

THE LAWYERS YET TALKING

ARGUMENTS ON THE LAW POINTS IN THE GUTEAU TRIAL.

The Prisoner's Opening Speech—Mr. Neocville's Argument—S. T. by the Opposing Counsel—Lawyer Davidge's Argument.

WASHINGTON, Jan. 9.—The court was called at five minutes past 10 o'clock, and a few minutes later the prisoner was led in and placed in the dock. This was the first day of the ninth week of the trial, so that, as seen, we reached the dock, I expressed his desire to have a few words about his trial.

"I have," he said, "about seven or eight hundred letters that I expect to examine soon as I have time. A good many are from home expressing sympathy and regret that I have been arrested. I desire to thank the people of America for their sympathy. On Saturday I received a check for \$1000 from the Stewards of Brooklyn, N. Y., also one for \$500 from the Stewards of New York. I desire to call on other Stewards to show their hands with checks. Angry to the bairns!—Mind your business. Don't interfere with me when I am speaking."

Mr. Sevvile then resumed his argument in support of the defense, taking it up at the point where he left off on Saturday—the question of the ability of the insane to distinguish between right and wrong. Referring to the charge of Judge Noah Davis in the Coleman case, he said that while the opinions of Judges are entitled to weight in matters properly before them yet in matters not properly before them, are entitled to no more authority than the opinions of any other lawyer. And this was applicable to the opinion of Judge Davis. He quoted English cases in support of his view, and said it was an admitted fact that an irresponsible insane person might and did frequently determine the question of right and wrong, who had not degenerated so far as to be a person of sound mind. He proceeded to give a history of the McNaughton case in England. The physician in that case had stated that while the prisoner knew the difference between right and wrong, yet that he was impelled by an insane impulse to do the act, and therefore was not accountable in the law. The Court in that case had given special importance to the evidence of the two experts who had been summoned by neither side but by the Court itself, the very proposition which Mr. Sevvile had made and which had been treated by the prosecution with contempt.

Mr. Sevvile also read from the charge of Chief Justice Tyndall to the jury in the McNaughton case, in which the Judge virtually left the jury to decide the question of responsibility, saying: "In your judgment, the subject appears involved in very great difficulty, then you will not probably take upon yourselves to find the prisoner guilty; thus giving him the privilege of being tried by the process of responsible doubt." Referring to the record in this matter," said Mr. Bush, "the fact is there is no such presumption as a 'doubt'."

"No sir," replied Mr. Sevvile, "but I think what you say is entitled to as much weight as the opinion of Judge Davis in the Coleman case." Judge Davis is a good fellow," the prisoner remarked, "but he is slightly mistaken about me."

Mr. Sevvile then read the following resolutions:

"Resolved, That the cause of the railroad designed for the railroads should be fixed at four feet eight and a half inches."

"That it be held preferable to transfer the design of our roads so that the public could be unfurnished; but he hoped for an explanation in view of the fact that 6,000 tons of steel were used in the bridge, which was not made for only 3,500 tons. Mr. Bush also wished to know who was responsible for the changes to allow the public cars to cross the bridge.

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